



State of Connecticut

## **DIVISION OF PUBLIC DEFENDER SERVICES**

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**Testimony of**  
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**Raised Bill No. 6475**  
**An Act Concerning Mandatory Minimum Sentences**

**Public Hearing - Judiciary Committee**  
**March 9, 2011**

The Office of Chief Public Defender supports *Raised Bill No. 6475, An Act Concerning Mandatory Minimum Sentences*. This proposal restores discretion to the court presiding over a criminal proceeding to sentence a person after consideration of all the facts including the offense and mitigating information pertaining to the defendant. By eliminating mandatory minimum sentences, this bill eliminates the "one size fits all" sentencing scheme in Connecticut.

Currently, prosecutors have, not only the power to charge a person with the commission of an offense, but whether the discretion to charge a person with a crime for which mandatory sentence of incarceration would be required. The court has no discretion to depart from imposing a mandatory minimum sentence or even to consider information such as whether this was the person's first arrest. Nor can the judge consider whether the person is a high school or college graduate, employment history, work in the community or family support. In fact, for a first arrest, a person can be sentenced to the same severe penalty as a person with prior convictions.

In addition, the threat of the imposition of a mandatory minimum sentence can act coercively to induce a person to plead to the commission of a crime, even if a person pleads to a crime of a lesser degree. A person might even plead guilty to a lesser offense even if not guilty just to avoid a mandatory sentence. This coercive power actually reduced the number of cases that ultimately go to trial and increases the number of *plea bargains*. It also creates "assembly line" justice rather than focusing on the accused's individual frailties and vulnerabilities which may include issues of mental illness, substance abuse or poverty.

In conclusion, this Office requests that the Committee support this bill.